

Project Narrative

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant. The City of Hayward is largely an urban area with a relatively dense development pattern that restricts scenic views and provides limited scenic resources. However, portions of the City have scenic vistas, including near views of the East Bay Hills from many individual parts of the City and views from the hills toward the San Francisco Bay. Future residential development in the City could impact these resources. This issue was analyzed in the City's 2002 General Plan Update Environmental Impact Report (EIR) and General Plan Land Use Element Amendment in 2009. Potential impacts to scenic vistas, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring compliance with the General Plan policies and strategies related to visual resources through the Site Plan Review process and adherence to the City's Zoning Ordinance height and bulk performance standards (Mitigation Measures 5.1a & 5.1b). No additional mitigation is required.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. No state scenic highways pass through the City of Hayward. (see http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm)

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. Future residential development would result in physical changes that would alter the visual character of many individual locations throughout the City. In some cases, existing trees, landscaping and buildings with desirable architectural qualities could be replaced with new development that would substantially alter the visual character of its site or surroundings. This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to potential degradation of the existing visual quality or character of the area, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring compliance with the General Plan policies and strategies related to visual resources through the project review process with an emphasis on consistent development patterns, architecturally distinct structures, mature vegetation, and natural open space (Mitigation Measure 5.2). No additional mitigation is required.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The City is an urbanized community with significant existing sources of light and glare. Residential development could result in increased

light and glare in the area. This issue was analyzed in the City's 2002 General Plan Update EIR. Potential lighting and glare impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring projects to undergo Site Plan Review (Mitigation Measure 5.3). Projects are required to include shielding and cutoff features for outdoor lighting, design revisions, or other means of reducing impacts to the extent feasible. No additional mitigation is required.

II. AGRICULTURE AND FORESTRY RESOURCES

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. Effects on Agricultural Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. Most of the land in the hill area of the City (commonly known as the East Hills Annex) remains in agricultural or grazing uses. The Agricultural zoning in this area requires a minimum lot size of 160 acres. Agricultural areas of the City would not be affected by implementation of the proposed project because the project is consistent with the General Plan, which directs urban activities inside the urban designated districts and would not impede continued agricultural activities or result in the conversion of Farmland to non-agricultural use. None of the sites identified in the 2009-2014 Housing Element are currently used as, or mapped as, Farmland and therefore the project could not result in the conversion of Farmland to a non-agricultural use. No mitigation required.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. Effects on Agricultural Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. Most of the land in the hill area of the City (commonly known as the East Hills Annex) remains in agricultural or grazing uses. The Agricultural zoning in this area requires a minimum lot size of 160 acres. None of the sites identified in the 2009-2014 Housing Element are zoned for agricultural use or under Williamson Act contract. No mitigation required.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. No forest land or timberland as defined in the Public Resources Code is located within the City of Hayward. No mitigation is required.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. See Section II(c) above. No mitigation required.

- e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

No Impact. See Sections II(a) and II(c) above. No mitigation required.

III. AIR QUALITY

- a. Would the project conflict with or obstruct implementation of the applicable air quality plan?**

No Impact. The Bay Area Air Quality Management District (BAAQMD) (the local air agency) has developed specific thresholds of significance to be used in the preparation of CEQA documents. BAAQMD guidance provides different thresholds of significance for development projects and local plans, defined as city and county general plans, redevelopment plans, specific area plans and other similar “program” documents or plans. The 2009-2014 Housing Element is considered a “program” document. The “program” threshold is consistent with the most recently adopted Clean Air Plan (CAP). A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled (VMT) and fails to demonstrate reasonable efforts to implement Transportation Control Measures (TCMs).

VMT

The 2009-2014 Housing Element is consistent with residential densities contained in the General Plan Land Use Element. Therefore, the calculated VMT associated with implementation of the project would be the same as the VMT anticipated in the absence of the project. No impact regarding consistency with CAP VMT assumptions would occur.

TCMs

The prime objective of TCMs is to reduce vehicle trips and vehicle miles traveled within the region. These measures are geared toward the following: trip reduction, mobility improvements, implementation support, traffic operation management, user incentives, and pricing strategies. The General Plan includes numerous programs to improve transportation and transit systems and develop land use patterns supportive of reduced reliance on the private automobile, consistent with CAP TCMs. For example, the City’s policies and strategies support high density residential and other intensive development at activity centers such as the vicinity of the South Hayward BART station. The Mission Blvd. corridor as a whole is identified as a prime candidate for transit oriented development, including University-related services, pedestrian-oriented improvements, and enhanced transit services along the corridor and up to California State University East Bay. The 2009-2014 Housing Element reinforces these strategies (e.g., see Policies 3.1 through 3.4 and Program 12). The project would therefore have a beneficial impact related to implementation of CAP TCMs.

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal Ambient standards) and particulate matter - PM2.5 and PM10 - (state ambient standard).

Ozone

Future residential development would result in an increase of Ozone emissions. The Bay Area 2005 Ozone Strategy (Strategy) is intended to bring the Air Basin into attainment for ozone. A project would be judged to contribute substantially to the existing ozone violation if it would conflict with or obstruct implementation of the Strategy. The Strategy outlines a number of TCMs, the implementation of which would substantially reduce the rate of increase in VMT. As described in III(a) above, the General Plan currently implements and the proposed project would implement TCM 15 by encouraging transit oriented development and non vehicular modes of travel. No mitigation is required.

Particulate Matter

Although no specific air quality plan exists for particulate matter, the BAAQMD includes a number of regulations and policies that are intended to reduce emission of this criteria pollutant, the most applicable of which to the project is controlling dust from earthmoving and construction/demolition operations. Construction and demolition dust would affect local and regional air quality at various times during the 2009-2014 planning period. The dry, windy climate of the area during the summer months combined with the fine, silty soils of the region create a high potential for dust generation. Emissions during the grading phase of construction are primarily associated with the exhaust of large earth moving equipment and the dust which is generated through grading activities. Emissions in later stages of construction are primarily associated with construction employee commute vehicles, asphalt paving, mobile equipment, stationary equipment, and architectural coatings. The effects of construction activities would be increased dustfall and locally elevated levels of PM2.5 and PM10 near the construction activity. Depending on the weather, soil conditions, the amount of activity taking place, and nature of dust control efforts, these impacts could affect existing or future residential areas within or near the project. Short term air quality impacts from future residential development would be a significant impact.

This issue was analyzed in the 2002 General Plan Update EIR. Potential air quality impacts from particulate matter emissions, including impacts from development in accordance with residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring all site-specific project applicants to comply with all City regulations and operating procedures prior to the issuance of building or grading permits (Mitigation Measure 8.1). This General Plan mitigation measure implements dust control strategies in Table 2 of the BAAQMD CEQA Guidelines (1999). No additional mitigation is required.

- c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the projected region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Less Than Significant Impact. See III(b) above. No additional mitigation is required.

- d. Would the project expose sensitive receptors to substantial pollutant concentrations?**

Less Than Significant Impact with Mitigation Incorporation. The BAAQMD defines sensitive receptors as facilities where sensitive population groups (children, elderly, acutely and/or chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics.

Non criteria pollutants such as Hazardous Air Pollutants (HAPs) or Toxic Air Contaminants (TACs) are also regulated by the BAAQMD. BAAQMD Regulation 2, Permits Rule 5 (New Source Review of Toxic Air Contaminants) requires evaluation of potential health risks for any new or modified source of TACs. The BAAQMD must deny any project that exceeds established risk limits for cancer, chronic hazards, and acute hazards. As the project would not directly result in the emission of HAPs or TACs, and as new potential sources of these pollutants and contaminants are regulated by the BAAQMD, the impact will be less than significant.

In April 2005, the California Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) published the document “Air Quality and Land Use Handbook: A Community Health Perspective.” The informational guide provides recommendations for evaluating potential health effects of siting sensitive land uses near high traffic freeways and urban roads. Specifically, the handbook recommends siting new sensitive land uses a minimum of 500 feet of freeways and urban roads with more than 100,000 vehicles per day.

The General Plan Land Use Map identifies properties that are designated for residential land use and are located nearby freeways and urban roads. Because residential uses are currently permitted on these sites and the project relies on existing land use designations and zoning districts, the project would not directly result in siting sensitive land uses near high traffic freeways or urban roads inconsistent with the EPA/ARB handbook. However, the project facilitates and encourages increased residential development, including housing for seniors, families with children, and other sensitive receptors throughout the City. A potentially significant impact would occur if housing for sensitive receptors is located within 500 feet of freeways and urban roads with more than 100,000 vehicles per day. The only roadway within the City of Hayward with existing or projected traffic in excess of 100,000 vehicles per day is I-880.

MITIGATION MEASURE 1: Review proposed residential projects adjacent to high traffic routes for consistency with the recommendations of the EPA/ARB Air Quality and Land Use Handbook. Portions of properties located within 500 feet of the I-880 right-of-way shall not be used by residents or members of the public for housing or active recreation use.

Implementation of the above mitigation measure will ensure that impacts related to the exposing sensitive receptors to substantial pollutant loads are reduced to a less than significant level.

e. Would the project create objectionable odors affecting a substantial number of people?

No Impact. Objectionable odors may be associated with a variety of pollutants. Common sources of odors include wastewater treatment plants, landfills, composting facilities, refineries and chemical plants. The 2009-2014 Housing Element has been prepared in accordance with State law to encourage and facilitate the development of housing for economic segments of the community. Residential land uses are not considered sources of objectionable odors. BAAQMD Regulation 1, Rule 1 Section 301 and Regulation 7 will ensure that no public nuisance emission, including objectionable odors, would result from future residential development. No mitigation is required.

IV. BIOLOGICAL RESOURCES

a. Would the project have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and game or U.S. Fish and Wildlife Service?

Less Than Significant Impact. Habitat which supports candidate, sensitive, or special status species have been identified in the City, along the Bay shoreline and in the Hayward Hills and East Hills Annex. Future residential development in the City could result in the reduction of habitat and direct removal of candidate, sensitive, or special status plant and/or animal species, including mammals, birds, amphibians, fish, insects and invertebrates, which have previously been unidentified at land and/or water areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect impacts to candidate, sensitive, or special status species, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific field surveys (Mitigation Measures 11.1). Development of undisturbed portions of public and private project sites is subject to sensitivity analyses, field surveys and mitigation (as required). No additional mitigation is required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact. Several creeks pass through Hayward. The urban portions of these creeks have been channelized, and adjacent portions are upstream and outside of the urban area. These creeks may still provide riparian habitat values which could be adversely affected by development in the vicinity if it interfered with the movement of wildlife species or the introduction of predatory species. Future residential development may occur adjacent to creeks which provide riparian habitat values. Development of such sites may have the potential to damage sensitive riparian habitat areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect impacts to riparian habitat, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific evaluation/setback requirements (Mitigation Measure 11.2). Where development is proposed adjacent to natural channel creeks, the potential effects of the development on riparian habitat is evaluated as part of the permitting process to determine the potential site-specific impacts associated with such development. All such development is required to comply with the City's setback provisions, and to enter into a Streambed Alteration Agreement with the California Department of Fish and Game (if required). No additional mitigation is required.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal filling, hydrological interruption, or other means?

Less Than Significant Impact. Several areas of the City include undeveloped land that could support the necessary soils, plants, and hydrologic conditions to qualify as wetlands, including open channels, shoreline areas, and minor drainages in the hills. Future residential development may have an adverse effect on wetland areas, as noted above for habitat and riparian areas.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential direct and indirect wetland impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific field surveys and site-specific evaluation/setback requirements as described in issue IV(a) and IV(b) above (Mitigation Measure 11.3). No additional mitigation is required.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. No native plant nursery sites have been identified within or near the City, so no such areas would be adversely affected by development

under the General Plan, including the 2009-2014 Housing Element. Wildlife movement can occur through the undeveloped portions of the hills and along creek channels. These corridors would not be substantially altered by future residential development in the urbanized portion of the City because they are already affected by a similar level of development adjacent to and crossing the creeks, which are enclosed in concrete channels. However, development along the shoreline and in the hills could affect relatively undisturbed areas that could serve as movement corridors for protected species.

This issue was analyzed in the City's 2002 General Plan Update EIR. Although the EIR did not identify specific mitigation measures related to this environmental issue area, potential direct and indirect impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, have been reduced to a less than significant level by requiring future development to comply with mitigation measures identified for issues IV(a), IV(b), and IV(c) above (Mitigation Measures 11.1, 11.2, and 11.3). Impacts are also reduced through compliance with open space preservation and natural resource protection policies and strategies identified in the Conservation and Environmental Protection Element of the General Plan, including strategies to strengthen open space linkages and maintain environmental corridors (e.g., see Policies and Strategies 2-6 and 4-5). No additional mitigation is required.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The City's General Plan and Municipal Code includes numerous policies and ordinances that are intended to either directly or indirectly protect biological resources, including a Tree Preservation Ordinance (see Chapter 10, Article 15 of the Municipal Code).

The 2009-2014 Housing Element is a policy-level document that is consistent with existing General Plan land use designations and densities. Although the proposed project is intended to encourage and facilitate the development of housing through the planning period, specific future projects are subject to General Plan regulations, performance standards and permitting processes of the Zoning Ordinance, including conformity with the City's Tree Preservation Ordinance. No mitigation is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There is not an adopted or proposed local, regional or state habitat conservation plan that covers land within the City of Hayward. No mitigation is required.

V. CULTURAL RESOURCES

a. **Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Less Than Significant Impact. A number of significant or potentially significant historic properties and landmarks are located in Hayward. Future residential development could result in the alteration of historical resources which have not yet been surveyed or formally protected.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to historical resources, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by implementing development review policies and strategies related to historic resource protection outlined in the Community Facilities and Amenities Element of the General Plan (e.g., see Policy and Strategy 7-7) and requiring conformity to the Historic Preservation Ordinance (see Chapter 10, Article 11 of the Municipal Code). (Mitigation Measure 14.1) No additional mitigation is required.

b. **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Less Than Significant Impact. Hayward has a rich history and several archaeologically sensitive areas have been identified within the City. Although these areas may be recorded and addressed by responsible parties as part of project planning and implementation, there remains the possibility that other resources may exist that have not yet been recorded. Future residential development may uncover and damage archaeological resources if not properly recovered or preserved.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to archaeological resources, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring the cessation of grading operations upon discovery of archaeological resources pending evaluation of the find by a qualified archaeologist and appropriate site-specific mitigation to protect, preserve, remove or restore the artifacts uncovered is implemented (Mitigation Measure 14.2). No additional mitigation is required.

c. **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?**

Less Than Significant Impact with Mitigation Incorporation. Documented fossil locations were recorded in the vicinity of Hayward as part of an Application for Certification (AFC) for a proposed electrical peaker plant in Hayward that was denied by the California Energy Commission (CEC) in 2008.¹ Areas where fossils have been previously found are considered to have high paleontological resource sensitivity. Disturbance of soils with high paleontological resource sensitivity could have a

1 Eastshore Energy Center, Application For Certification (06-AFC-6).

potentially significant impact on fossil resources. It is generally accepted that the potential of encountering sediments of high paleontological sensitivity is likely when excavations reach undisturbed soils located within six feet of the current surface.

MITIGATION MEASURE 2: In the event that any paleontological resources are uncovered during future construction activity associated with future residential development, there should be no further excavation or disturbance of the site or any nearby area until the find has been evaluated by a qualified paleontologist, and appropriate site-specific mitigation has been identified to protect, preserve, remove or restore the fossil resources uncovered.

Implementation of the above mitigation measure will ensure that impacts to paleontological resources are reduced to a less than significant level.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. Future residential development would not result in the disturbance of any known human remains. However, it is possible that during construction-related excavation activity, human remains, most likely from the pre-American settlement era, could be uncovered.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts to human remains, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring the cessation of grading operations upon discovery of remains pending evaluation by the County Coroner (Mitigation Measure 14.3). If the remains are determined to be of Native American origin, construction must not proceed until the descendants from the deceased Native American(s) have made a recommendation for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. No additional mitigation is required.

VI. GEOLOGY AND SOILS

a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Less Than Significant Impact. The active Hayward Fault shows evidence of creep and has a high potential for rupture. The fault is the principal seismogenic source in the eastern San Francisco Bay area. The ground surface along fault traces can be gradually offset (at a rate of one-half inch or so per year) due to creep along the fault, and can be suddenly offset (horizontally and/or vertically) up to several feet

due to a major earthquake, which will damage roads and buildings and can break pipes or other underground utilities.. Considerable geological and geotechnical work has been conducted along the Hayward fault throughout Hayward over the past several decades, leading to more accurate plotting of the location of the main fault trace and knowledge of its characteristics, as well as information associated with additional active traces of the Hayward fault.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to rupture of a known earthquake fault, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring projects to comply with applicable regulations for development within the Alquist-Priolo (Earthquake Fault Hazard) Special Study Zone (Mitigation Measure 9.1). Projects proposed in areas with known potential for fault rupture must be studied (usually by excavating a trench perpendicular to the suspected fault line) to determine the presence or absence of a fault trace. Habitable structures must be located a sufficient distance (usually 50 feet) from the trace to avoid direct impacts of surface fault rupture. No additional mitigation is required.

ii. Strong seismic ground shaking?

Less Than Significant Impact. Strong and very strong ground shaking could occur within the City during the 2009-2014 housing planning period in the event of a major earthquake on the regional fault system, including the Hayward Fault. Such ground shaking is expected to cause severe damage to (or collapse of) buildings or other structures, and may result in significant economic loss and/or endanger the health and welfare of persons within the City.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to strong seismic ground shaking, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring earthquake-resistant design in accordance with the latest editions of applicable building codes (Mitigation Measure 9.2). No additional mitigation is required.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Seismically-induced ground failures, which are secondary seismic effects related to soil, bedrock and groundwater conditions, could occur near buildings or other facilities, resulting in injury to persons and significant economic loss due to structural damage as a result of differential settlement, liquefaction, landslides, slumping, and subsidence.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to seismic-related ground failure, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific geotechnical investigations for developments proposed in areas suspected of having high or

very high potential for seismically-induced ground failure (Mitigation Measure 9.3). Common project-level measures for mitigating these hazards include over-excavation and recompaction of foundation soils, densification of site soils, or providing a mat or other type of reinforced foundation, and avoiding landslide-prone areas and areas with other severe constraints. No additional mitigation is required.

iv. Landslides?

Less Than Significant Impact. Landslides may occur in areas where slope gradients exceed 50 percent, or where grading associated with development will produce steep cut or fill slopes and/or undermine adjacent hillsides. Slopes between 30 percent gradient and 50 percent gradient underlain by cohesionless soils (sand) may experience differential settlement or downslope creep. Residential development may occur, consistent with the General Plan and 2009-2014 Housing Element, in areas subject to landslides.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential landslide impacts, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring site-specific geotechnical investigations and implementation of mitigating recommendations (Mitigation Measure 9.5). Because of the potential for landsliding or soil creep on steep slopes, a geologic evaluation by a registered geologist is required for any development planned within 200 feet of areas greater than 50 percent slope as shown on USGS topographic maps. Structures situated on slopes greater than 30 percent gradient should incorporate geotechnical recommendations regarding foundations, retaining walls, and grading limitations derived from a site-specific geotechnical investigation. No additional mitigation is required.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The development of relatively undisturbed portions of the City and the development of hillside urban areas would remove vegetation and disrupt the soil surface horizon in areas where soils may be susceptible to wind and water erosion. Sediment blown from exposed soils could damage other structures and vegetation, and would be a nuisance or hazard if it accumulates in adjacent areas and storm drainage systems. Removal of soils by wind or water can also undermine buildings, roads, and other development, resulting in significant economic loss.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to soil erosion or loss of topsoil, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by implementing erosion control measures and Best Management Practices as required by the City's Chapter 10, Article 8 of the Municipal Code (Mitigation Measure 9.6). During construction, efforts should be made to keep the disturbance of existing vegetation to a minimum. This can be accomplished primarily by keeping construction machinery off of established

vegetation as much as possible, especially on the upwind side of the construction site. Specific access routes should be established at the planning phase of the projects, and limits of grading established prior to development should be strictly observed. In addition, mechanical measures, such as silt fences and straw bales, should be used to reduce soil movement. No additional mitigation is required.

- c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less Than Significant Impact. See responses to VI(a) and VI(b) above as well as VI(d) below. No additional mitigation is required.

- d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less Than Significant Impact. The City includes a broad variety of soils types, some of which are highly susceptible to expansion, which may shrink or swell as a result of seasonal or human-made soil moisture content changes. Residential structures and other improvements and utilities permitted in areas subject to expansive soil limitations could be damaged.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to expansive soil limitations, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring soil compaction and amendment of clayey materials with expansion potential on a project-specific basis (Mitigation Measure 9.4). Highly expansive soils under new buildings and utilities should be removed or amended, and compacted to provide a stable foundation. Surface water should be drained away from the building to minimize the potential for shrink-swell action. To ensure uniform characteristics in areas of low strength soils, and to obviate any potential for differential settlements, site preparation (consisting of over excavation and re-compaction of the near-surface soils) may be required prior to placement of new fills, pavements, slabs, and structures, subject to review during grading. No additional mitigation is required.

- e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

No Impact. All properties identified in the 2009-2014 Housing Element sites inventory are served by municipal sewers. No mitigation is required.

VII. GREENHOUSE GAS EMISSIONS

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less Than Significant Impact with Mitigation Incorporation. Greenhouse Gas (GHG) emissions associated with the projected residential development in Hayward have

been calculated using methodologies recommended by the California Air Pollution Control Officer's Association [CAPCOA] (January 2008) *CEQA and Climate Change* white paper and the California Climate Action Registry General Reporting Protocol (March 2007). A more specific description of the methodology is contained in the Appendix to the GHG emissions technical memorandum prepared for the project. The analysis focuses on CO₂, N₂O, and CH₄ as these are those GHG emissions that the project would emit in the largest quantities as compared to other GHGs (such as chlorofluorocarbons [CFCs]).

Annual Building Emissions

Annual electricity emissions were calculated using the California Climate Action Registry General Reporting Protocol, which has developed emission factors based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. CO₂ emission estimates also take into account emissions from other operational sources such as natural gas use for space heating. Operational indirect and stationary direct emissions are estimated at 21,053 metric tons per year in CO₂ equivalency units.

The generation of electricity through combustion of fossil fuels typically yields CO₂, and to a smaller extent, N₂O and CH₄. As discussed above, annual electricity emissions can be calculated using the California Climate Action Registry General Reporting Protocol, which has developed emission factors based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. CO₂ emission estimates based on the URBEMIS model also take into account emissions from other operational sources such as natural gas use for space heating.

Annual Transportation Emissions

Mobile source GHG emissions were estimated based on total vehicle miles traveled (VMT) associated with projected residences. Daily VMT resulting from the proposed project is estimated at 265,672 daily miles. Based on this VMT estimate, annual transportation emissions are estimated at 55,135 metric tons in CO₂ equivalency units.

Combined Annual Building and Mobile Source Emissions

Combined annual building/landscape maintenance and mobile GHG emissions associated with the potential residential units in Hayward total 76,188 metric tons per year in CO₂ equivalency units. This total represents roughly 0.015 percent of California's total 2004 emissions of 492 million metric tons and approximately 6.4 percent of Hayward's total 2005 emissions of 1.18 million metric tons. These emission projections indicate that about 28% of the project GHG emissions are associated with electricity and natural gas usage, while the other 72% are associated with vehicular travel. Please note that, as discussed further in the *Methodology* in the Appendix to the GHG emissions technical memorandum prepared for this project, the

mobile emissions are in part a redirection of existing travel to other locations, and so already a part of California's GHG inventory.

The City's Climate Action Plan (CAP), adopted in 2009, includes goals for reducing emissions by 12.5 percent below 2005 levels by 2020 and by 82.5 percent below 2005 levels by 2050. The CAP also includes many actions recommended for implementation to achieve those long term goals.

MITIGATION MEASURE 3: Continue to implement the City's CAP to reduce GHG emissions. Specifically, implement Strategies 1 (Reduce Vehicle Miles Traveled) and 4 (Improve Energy Performance of New Buildings).

Implementation of the above mitigation measure will ensure that impacts related to the generation of greenhouse gas emissions are minimized and reduced to a less than significant level.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. The California Climate Action Team (CAT) and the California Air Resources Board (ARB) have developed programs and measures to achieve the GHG reduction targets under AB 32 and Executive Order S-3-05. These include the CAT's 2006 "Report to Governor Schwarzenegger and the Legislature," ARB's "Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California," and ARB's "Climate Change Proposed Scoping Plan: a framework for change." The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05 and AB 32. The following analysis includes a discussion of the extent to which the 2009-2014 Housing Element complies with applicable strategies to help California reach the GHG emission reduction targets.

Vehicle Climate Change Standards: AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004. The vehicles from the Project will be in compliance with any vehicle standards that the ARB adopts.

Building Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings). Future residential buildings will be required to comply with the updated Title 24 standards for building construction including exterior lighting requirements. New residential construction would also be subject to the Hayward Green Building Ordinance. The Green Building Ordinance applies to new residential construction, additions or remodels over 500 square feet. New construction is required to demonstrate that buildings are "GreenPoint Rated" prior to Certificate of Occupancy issuance. "GreenPoint Rated" is a third party rating system for homes based

on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance. Additions or remodels are required to submit with their permit application the GreenPoint Rated Existing Homes Checklist and indicate on the plans and checklist if any GreenPoint Rated items have been incorporated into the project.

Energy Efficiency: Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts. Reductions could be achieved through enhancements to existing programs such as increased incentives and even more stringent building codes and appliance efficiency standards. Green buildings offer a comprehensive approach to reducing greenhouse gas emissions that cross-cut multiple sectors including Energy, Water, Waste, and Transportation. As described above, future residential buildings will be required to comply with the updated Title 24 standards for building construction including exterior lighting requirements. New residential construction would also be subject to the Hayward Green Building Ordinance. The Green Building Ordinance applies to new residential construction, additions or remodels over 500 square feet. New construction is required to demonstrate that buildings are "GreenPoint Rated" prior to Certificate of Occupancy issuance. "GreenPoint Rated" is a third party rating system for homes based on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance. Additions or remodels are required to submit with their permit application the GreenPoint Rated Existing Homes Checklist and indicate on the plans and checklist if any GreenPoint Rated items have been incorporated into the project.

Appliance Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California). Appliances that are purchased for future individual dwellings will be consistent with existing energy efficiency standards and will include energy efficient heating and cooling systems, appliances and equipment, and control systems.

Measures to Improve Transportation Energy Efficiency: Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools, and information that advance cleaner transportation and reduce climate change emissions. The 2009-2014 Housing Element promotes development of affordable housing, especially housing that promotes the City's goals relating to transit-oriented development and jobs/housing balance (see Program 13).

Smart Land Use and Intelligent Transportation Systems (ITS): Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors. ITS is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services. As described above, the 2009-2014 Housing Element promotes development of affordable housing, especially housing that promotes the City's goals relating to transit-oriented development and jobs/housing balance (see Program 13).

Water Use Efficiency: Approximately 19% of all electricity, 30% of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions. Future residential developments will be required to incorporate water- conservation measures, including water efficient fixtures and appliances, water-efficient landscaping and design, the use of water efficient irrigation systems and devices, and will employ water conservation measures required by the City of Hayward Water Efficient Landscape Ordinance.

Waste reduction and recycling: Reduce amount of waste generated by projects and increase recycling of products. Future residential development facilitated by the proposed project would be required to comply with all applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials, including Chapter 5, Articles 1 and 10 of the Municipal Code.

Based on the foregoing analysis, the 2009-2014 Housing Element would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Furthermore, the project would not have a cumulatively considerable contribution to the significant cumulative impact of global warming because the 2009-2014 Housing Element does not conflict with or obstruct the implementation of GHG reduction strategies under AB 32 or other state or local regulations.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Less Than Significant Impact. Implementation of the 2009-2014 Housing Element is not expected to result in the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the transportation, release or emission of hazardous materials, substances, or waste. Residential development anticipated in the City would be similar to that already anticipated under the planning framework currently in force. As individual projects are proposed, site-specific review would be required if such projects entail the routine production, use, storage, transportation or disposal of hazardous materials, and these projects would be required to comply with all existing regulations related to hazardous materials. Any increase in the relative level of hazard associated with the possible accidental release of hazardous substances could be expected to be reduced to a level of less than significant through such compliance. No mitigation is required.

- b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less Than Significant Impact. See response to VIII(a) above. No mitigation is required.

- c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less Than Significant Impact. See response to VIII(a) above. No mitigation is required.

- d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less Than Significant Impact. The introduction of new or more intensive residential uses near existing commercial activities could expose future residents to hazardous materials that are in storage, use, or disposal. The location of new residential development facilitated by the 2009-2014 Housing Element would be guided by existing General Plan land use designations. The intensification of residential uses is not expected to be significant in itself, since the land is already zoned for such development, but the adjacency of the development to on-going commercial activity has the potential to expose the public to hazards.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to the proximity of residential uses to potential hazardous materials sites, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by code enforcement and the use permit review process (Mitigation Measure 13.1). The City should review sites listed pursuant to Government Code section 65962.5 for proper use permits and other regulatory compliance, and undertake code enforcement as necessary to ensure the safety of existing and new development. New residential and similar development, regardless of General Plan land use designations, should be scrutinized for possible exposure to hazardous materials, and should be sited and designed accordingly. No additional mitigation is required.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Less Than Significant Impact. Portions of the City fall within Influence Areas (AIA) of the Oakland International Airport and the Hayward Executive Airport; however, residential areas of the City are only affected by the Hayward Executive Airport AIA. In accordance with Section 21674(b) of the California Public Utilities Code, the Alameda County Airport Land Use Commission (ALUC) has the authority "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the

public health, safety, and welfare”; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. As such, the Alameda County ALUC implements an Airport Land Use Policy Plan (ALUPP) for the Oakland International Airport and the Hayward Executive Airport.

State ALUC law requires local general plans to be consistent with the ALUPP. In the event that the ALUPP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUPP. In the event that the local public agency does not concur with a provision of the ALUPP, the public agency may override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the general plan of the local jurisdiction is consistent with the intent of Section 21676(b) of the Public Utilities Code (Government Code Section 65302.2).

The Alameda County ALUC reviewed the City of Hayward Draft 2009-2014 Housing Element and found that the project is consistent with the ALUPP (see letter dated March 4, 2010). Future discretionary actions related to development that is proposed within either AIA are also subject to review by the ALUC for a determination of consistency with the ALUPP. Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. No private airstrips are located within the City and future residential development is not proposed in the vicinity of a private airstrip located outside of the City. No mitigation is required.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. In general, the City’s fire prevention and emergency response capacities are adequate to meet existing needs. The Fire Department is also a member of mutual aid plans with the local cities, County, and State to provide additional services for large emergency events that tax the capabilities of any one jurisdiction. The Fire Department is also responsible for emergency preparedness, to respond to all types of major events, including floods, earthquakes, or hazardous material spills. The Public Utilities and Services Element of the General Plan includes a number of Emergency Response and Preparedness Policies and Strategies. The 2009-2014 Housing Element is consistent with and future residential development will be subject to review for consistency these policies and strategies. No mitigation is required.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less Than Significant Impact. Property with developed or planned residential uses abuts the wildland-urban interface (WUI), primarily in the hill areas in the east and southeast portions of Hayward. The Public Utilities and Services Element of the General Plan includes a number of Emergency Response and Preparedness Policies and Strategies designed to minimize urban wildfire hazards in the hill area. Future residential development facilitated by the 2009-2014 Housing Element would be subject to existing land use regulations and ordinances related to development in the WUI. For example, Policy/Strategy 2-1 requires implementation of WUI guidelines during the planning and design of development in high fire hazard areas. Consistent with this Policy/Strategy, development within the WUI is regulated by the City's Wildland Interface Guidelines. No mitigation is required.

IX. HYDROLOGY AND WATER QUALITY

a. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. Construction activity related to anticipated residential development in the City could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris, and wash water from construction vehicles and equipment.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to soil erosion or loss of topsoil, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring project-specific erosion control plans, imposing grading limitations, and implementation of water quality Best Management Practices during construction (Mitigation Measure 10.1).

Detailed plans for erosion and sediment control during and after construction must be approved by the City prior to the issuance of a grading permit. Plans must show that all erosion control will be in place before construction begins. Grading activity is restricted during the winter rain period between October 30th and April 15th. Development in the City according to the General Plan, including the 2009-2014 Housing Element, would not be expected to have any effect on compliance with applicable waste discharge requirements. Compliance with all existing waste discharge regulations would continue to be required, and no violations of any such requirements would be anticipated. No additional mitigation is required.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the

production rate of pre-existing nearby wells would drop to a level which not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact. Hayward's potable water supply is provided by municipal water districts that do not use the local groundwater resources. The City of Hayward Water Department and the East Bay Municipal Utility District obtain water from Sierra snowmelt and river runoff that is not tied to the local groundwater resources. The Alameda County Flood Control and Water Conservation District is responsible for managing the surface and groundwater resources of the City. Future residential development anticipated under the General Plan, including the 2009-2014 Housing Element, could increase the total area of impervious surfaces within the City, which could interfere with groundwater recharge to some extent. This issue was analyzed in the City's 2002 General Plan Update EIR and found that impacts related to this issue would be less than significant because future development in accordance with the plan would not result in substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. No mitigation is required.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The City's 2002 General Plan Update EIR noted that the existing storm drainage system is lacking improvements in various sections; however, no major realignment of creeks was anticipated due to the highly urbanized setting of the City.

Although most of the City is highly urbanized, and most new development, including residential development that would be facilitated by the 2009-2014, would occur as rehabilitation or replacement of existing development with little change in impervious surfaces or drainage patterns, local changes to runoff patterns could occur if large areas are assembled for development or due to local site developments. The City's 2002 General Plan Update EIR identified this as a potentially significant impact.

Drainage impacts with substantial erosion or siltation potential have been mitigated by requiring project-specific stormwater evaluations and remediation (Mitigation Measure 10.2). Major development projects are required to provide a storm drainage report to determine adequacy of drainage systems to accept the increased runoff. Appropriate site-specific mitigation measures may be required if existing systems are inadequate. Projects must also identify and implement appropriate BMPs to effectively prohibit the discharge of pollutants with storm water run-off. No additional mitigation is required.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact. See IX(a) to (c). No additional mitigation required.

- e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant Impact. See IX(a) to (c). No additional mitigation required.

- f. Would the project otherwise substantially degrade water quality?**

Less Than Significant Impact. See IX(a). No additional mitigation required.

- g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Less Than Significant Impact. The City generally is well served by flood control facilities of the Alameda County Flood Control and Water Conservation District. In most cases, the 100-year flood is contained in the creek channels and culverts that make up the major storm drainage system. However, an update by the Federal Emergency Management Agency published in February 2000 shows that areas near the confluence of waters from Alameda Creek, Ward Creek and Line D are potentially subject to flooding.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to placement of housing within a 100-year flood hazard area, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by requiring all new development in the areas presently mapped as potentially subject to flooding in the 100-year event to provide evidence of sufficient flood control protection and compliance with applicable regulations of the Alameda County Flood Control District and FEMA (Mitigation Measure 10.3). No additional mitigation is required.

- h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

Less Than Significant Impact. See IX(g) above. Alameda County Flood Control District and FEMA regulations would ensure that structures proposed within the 100-year flood hazard area do not impede or redirect flood flows. No additional mitigation is required.

- i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Less Than Significant Impact. Limited portions of the City fall within areas identified on ABAG's Dam Failure Inundation Hazard Map (see <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>). Much of this area is designated for non-residential use. Reservoir dam safety is governed by the California Water Code and dams are regulated by the California Department of Water Resources, Division of Safety of Dams. Division of Safety of Dams inspects sites, reviews preliminary plans, and comments on proposals for proposed dams and reservoirs. As the 2009-2014 Housing Element is consistent

with current General Plan land use designations, would not directly locate housing in a dam inundation hazard area, and dam safety is regulated by the State of California, the project would not expose people or structures to significant risk as a result of failure of a levee or dam.

j. Would the project expose people or structures to inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. Hayward is not located within a tsunami hazard area as mapped by ABAG. The mapped tsunami hazard areas were determined by modeling of potential earthquake sources and hypothetical extreme undersea, near-shore landslide sources

(see <http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html>). Active faults within the San Francisco Bay Area have largely horizontal movement and are not expected to generate significant water waves (seiche) in the San Francisco Bay. Given the elevation and distance of the most of the City's land area from the bay's edge, the potential for flooding of residential properties from a seiche would be negligible. Although low density residential development may occur within sloped areas or near areas potentially subject to mudflows, the City does not have a history of mudflows and therefore potential for impacts are minimal. No mitigation is required.

X. LAND USE AND PLANNING

a. Would the project physically divide an established community?

Less Than Significant Impact. The proposed project includes policies and programs intended to facilitate and encourage residential development within the City of Hayward. Large scale residential projects that involve major changes to circulation patterns for pedestrians and vehicles could have potential to physically divide an established community.

This issue was analyzed in the City's 2002 General Plan Update EIR. Potential impacts related to the potential effects of residential development on an established community, including impacts from residential development consistent with densities assumed in the 2009-2014 Housing Element, have been mitigated by subjecting large scale projects that require major changes to circulation patterns to public review and input (Mitigation Measure 4.3). Particular attention should be paid to effects on the established community from projects that require intersection realignment, a new street, and other features that could or substantially alter existing paths of travel. In addition, project-level environmental review may be required. The City should include appropriate conditions of approval to address the identified impacts of individual projects. No additional mitigation is required.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the

general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. Adoption and implementation of the 2009-2014 Housing Element of the General Plan would by definition be consistent with adopted City plans, as it is part of the overall “constitution” for development in the City.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. No adopted or proposed local, regional or state habitat conservation plan that covers land within the City of Hayward. No mitigation is required.

XI. MINERAL REOSURCES

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Less Than Significant Impact. Effects on Mineral Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. No significant aggregate or mineral resources are located in the City. No mitigation is required.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Less Than Significant Impact. Effects on Mineral Resources were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. No significant aggregate or mineral resources are located in the City. No mitigation is required.

XII. NOISE

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact with Mitigation Incorporation. Residential development facilitated by the project could produce construction-related noise and increase the ambient noise level in the community.

Construction Noise

Residential construction activities could result in a temporary increase in existing noise levels that would be noticeable and significant, and could exceed established noise level standards. Construction noise of 75 to 90 decibels would interfere with residential and commercial activities in the area, but construction is also recognized as being necessary to the improvement of the area.

The City should require reasonable construction practices for public and private projects that could affect sensitive receptors, including limiting construction hours to avoid early morning and evening activity, muffling and properly maintaining construction equipment used at project sites, limiting the amount of time equipment is allowed to stand idle with the engine running, and shielding construction activity and equipment to the extent practicable.

Ambient Noise

The increase in housing supply that is anticipated with implementation of the General Plan, including the 2009-2014 Housing Element, can be expected to result in a slight increase in the ambient noise level within the City. These changes would be in keeping with the overall General Plan land use designations and policies for the area, which include consideration of noise compatibility in project siting, design, construction and operations. The City's 2002 General Plan Update EIR determined that effective implementation of the Land Use Compatibility Guidelines and Development Review Guidelines would ensure impacts are less than significant. Future residential development projects would be reviewed for consistency with the General Plan Noise Element and substantial conformance with Chapter 4, Article 1 of the Municipal Code. No mitigation is required.

MITIGATION MEASURE 4: Prior to or during construction, the following mitigation measures shall be implemented:

- Noise-generating construction activities shall be limited to between the hours of 7 a.m. to 7 p.m., Monday through Saturday, and between the hours of 10:00 a.m. to 6 p.m. on Sundays and holidays, excluding activities that would pose a safety hazard to construction employees or the public. Noise-generating construction activities shall comply with City of Hayward Noise Ordinance requirements.
- Construction equipment and equipment staging areas shall be located at the furthest distance possible from adjacent land uses.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- • When not in use, motorized construction equipment shall not be left idling

Implementation of the above mitigation measure will prohibit noise-generating activities from occurring during the more noise-sensitive periods of the day and would reduce short-term noise impacts to nearby residential land uses and will ensure that noise impacts are minimized and reduced to a less than significant level.

b. Would the project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Railroads, trucks, and buses are primary sources of ground vibration or noise in Hayward. Railroad vibration is generally localized, and can be significant in some instances, such as where bay mud and similar weak soils are present, or where inconsistent foundation is provided for the railroad such as near bridges and crossings. There are no known cases of excessive vibration, but it is possible that new or rehabilitated development could occur in areas near railroads that could be subject to groundborne vibration or noise. In addition, truck routes and bus routes are often subject to excessive vibration due to the heavy vehicles traveling over rough pavement or poorly filled trenches.

Residential development may occur in areas subject to groundborne vibration or noise. This issue was analyzed in the City's 2002 General Plan Update EIR. Ground vibration or noise impacts, including impacts from construction consistent with land uses and densities assumed in the 2009-2014 Housing Element, are mitigated by requiring engineered foundations and road improvements (Mitigation Measure 7.6). New residential development near railroad rights of way where vibration is suspected to be a problem is evaluated for potential vibration impacts and designed according to engineering recommendations to reduce the vibration. No additional mitigation is required.

c. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. See XII(a). No mitigation is required.

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. See XII(a). No mitigation is required.

e. For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. Portions of the City fall within Influence Areas (AIA) of the Oakland International Airport and the Hayward Executive Airport; however, residential areas of the City are only affected by the Hayward Executive Airport AIA. In accordance with Section 21674(b) of the California Public Utilities Code, the Alameda County Airport Land Use Commission (ALUC) has the authority "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare"; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. As such, the Alameda County ALUC

adopted and implements an Airport Land Use Policy Plan (ALUPP) for the Oakland International Airport and the Hayward Executive Airport.

State ALUC law requires local general plans to be consistent with the ALUPP. In the event that the ALUPP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUPP. In the event that the local public agency does not concur with a provision of the ALUPP, the public agency may override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the general plan of the local jurisdiction is consistent with the intent of Section 21676(b) of the Public Utilities Code (Government Code Section 65302.2).

The Alameda County ALUC reviewed the City of Hayward Draft 2009-2014 Housing Element and found that the project is consistent with the ALUPP (see letter dated March 4, 2010). Future discretionary actions related to development that is proposed within either AIA are also subject to review by the ALUC for a determination of consistency with the ALUPP. Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. No private airstrips are located within the City and future residential development is not proposed in the vicinity of a private airstrip located outside of the City. No mitigation is required.

XIII. POPULATION AND HOUSING

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. Effects on Population and Housing were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. The project is not physical in nature and will not directly induce substantial population growth in Hayward by proposing new homes or indirectly through extension of roads or other infrastructure; however, the project is intended to facilitate and encourage the production of housing in accordance with State law. The Association of Bay Area Governments (ABAG) prepared the Regional Housing Needs Assessment (RHNA) in 2008 which defined Hayward's "fair share" of the regional housing need. As a result of this process, ABAG has determined that the City's total construction need is 3,393 housing units for this planning period. The RHNA is not a mandate to construct housing units; however, the Housing Element must demonstrate adequate capacity to accommodate these housing units during the 2009-2014 planning period. The residential sites inventory contained in the Housing Element relies on existing General Plan land use designations and zoning districts, does not affect any parcel that is not already urbanized or designated for urbanization,

and meets the minimum mandatory requirements of State law. All of the residential sites are located within City limits and on land that is already served by the necessary infrastructure for residential development, or on land that can have the necessary infrastructure systems extended. For these reasons, adoption and implementation of the Housing Element would not be expected to induce substantial growth that would require significant new infrastructure. No mitigation is required.

b. Would the project displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?

No Impact. Effects on Population and Housing were analyzed in the 2002 General Plan Update EIR and impacts were determined to be less than significant. The 2009-2014 Housing Element is intended to facilitate and encourage redevelopment of specific sites, including some sites with existing commercial and lower density residential uses, with higher density residential uses. Therefore, the project has the potential to increase the supply of housing in Hayward. No net displacement of housing or people would occur. No mitigation is required.

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. See Section XIII(b) above. No mitigation is required.

XIV. PUBLIC SERVICES

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire Protection?

Less Than Significant Impact. New residential development could increase the risk of fire to future residents and visitors by adding new dwelling units within the area. The number of calls for service for medical emergencies would also increase, based on a higher resident population. The General Plan Public Utilities and Services Element includes Policies and Strategies related to the provision of adequate fire protection services for anticipated future development, including residential development at densities that were assumed in the 2009-2014 Housing Element. The environmental impacts related to the provision of these services were analyzed in the City's 2002 General Plan Update EIR and found to be less than significant. The City development review process includes referral to the Fire Department for review, and code compliance as established by State regulations and local ordinance. No mitigation is required.

ii. Police Protection?

Less Than Significant Impact. New residential development could result in an incremental increase in the number of calls for police protection service. The numbers of calls for service are assumed to increase, commensurate with the rate of population increase. The General Plan Public Utilities and Services Element includes Policies and Strategies related to the provision of adequate police protection services for anticipated future development, including residential development at densities that were assumed in the 2009-2014 Housing Element. The environmental impacts related to the provision of these services were analyzed in the City's 2002 General Plan Update EIR and found to be less than significant. New residential development would be subject to review by the Police Department, and the City's existing security ordinance provides guidance on safe design and construction practices. No mitigation is required.

iii. Schools?

Less Than Significant Impact. The project proposes additional residential units which may impact the schools in the vicinity. Developers of new residential units must comply with Government Code Section 65996, which requires that new developments may be assessed a fee by school districts to offset demands for service, with limits on the assessment set by State law. Payment of school fees has been "deemed to provide full and complete school facilities mitigation" per Government Code Section 65996(b). No additional mitigation is required.

iv. Parks?

Less Than Significant Impact. New development anticipated as part of the City's continued growth would result in an increased demand for parks, recreational facilities and open space in the City. This increase in demand could be met through the construction of new parks and recreational facilities (or the expansion of existing recreational facilities) which, depending on the characteristics of each proposed facility and site, could result in adverse physical effects on the environment.

This issue was analyzed in the City's 2002 General Plan Update EIR. Impacts to parks, recreational facilities and open space, including impacts resulting from densities assumed in the 2009-2014 Housing Element, are mitigated by requiring site-specific analysis and project-based development of park and recreation facilities as appropriate and in proportion to the level of impact (Mitigation Measures 12.2a and 12.2b). The Hayward Area Recreation and Park District (HARD) and the East Bay Regional Park District (EBRPD), should conduct appropriate planning and environmental studies for the acquisition, construction and operation of new parks and recreational facilities (or the expansion of existing recreational facilities) to meet an increased demand for such facilities, consistent with State law. Large development projects should be coordinated with HARD to determine if it is feasible to incorporate park and recreation facilities. Private land dedications may be credited against the standard impact fees, public park and recreation projects may be jointly funded by the City and HARD, or facilities may

be provided in other ways that meet the trail, parkland, and recreation facility needs of the City. No additional mitigation is required.

v. Other Public Facilities?

Less Than Significant Impact. Approval of future residential projects may impact long-term maintenance of roads, streetlights and other public facilities. In order to off-set this potential impact, future applicants are required to annex into the City Community Facilities District (CFD). The City's 2002 General Plan Update EIR also considered impacts of future residential development, including development consistent with densities assumed in the 2009-2014 Housing Element, on public library service. The EIR found that impacts would be less than significant with implementation of Public Utilities and Services Element policies and strategies related to continued provision of sufficient library services. No mitigation is required.

XV. RECREATION

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Less Than Significant Impact. See XIV(a)(iv). No additional mitigation is required.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Less Than Significant Impact. See XIV(a)(iv). No additional mitigation is required.

XVI. TRANSPORTATION/TRAFFIC

- a. Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Less Than Significant Impact. The Hayward General Plan Circulation Element establishes objectives and policies for the performance of the City's circulation system. Vehicular traffic in the City is expected to increase as a result of continued development allowed by the General Plan, which could result in traffic levels on some roadway segments or at some intersections which exceed level of service standards established by the City and the Alameda County Congestion Management Agency. Transportation/traffic impacts were analyzed in the City's 2002 General Plan Update EIR. Transportation/traffic impacts, including impacts from residential densities assumed in the 2009-2014 Housing Element, are mitigated implementation of comprehensive policies and strategies outlined in the Circulation Element to address regional and local traffic through a coordinated effort to provide roadway

improvements, transit service, encourage bicycling and walking, carpooling, traffic calming, and land use strategies to reduce private auto use (Mitigation Measure 6.1).

The EIR concluded that although implementation of these policies and strategies would reduce the City's contribution to traffic growth to a less than significant level, some roadways would likely continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impacts from implementation of General Plan land uses would remain significant and unavoidable. As the 2009-2014 Housing Element is a policy-level document that is consistent with the General Plan and relies upon land use densities of the General Plan, the project would not result in new or significantly greater impacts related to this issue. Therefore, no additional mitigation is required.

c. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact. See XVI(a). The City coordinates with the Alameda County Congestion Management Agency whenever an amendment to the General Plan or a major development project is proposed that could significantly impact the road and transit system. When it is shown that there may be an adverse impact on the transportation system, mitigation is required. No additional mitigation is required.

d. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Less Than Significant Impact. See VIII(e). The project is not anticipated to impact current air traffic patterns. Development projects with potential to obstruct navigable air space are subject to review by the FAA. Future discretionary actions related to development that is proposed within an Airport Influence Area (AIA) are subject to review by the Alameda County Airport Land Use Commission (ALUC) for a determination of consistency with the Airport Land Use Policy Plan (ALUPP). Compliance with State ALUC law will ensure that impacts related to this issue are less than significant. No mitigation is required.

e. Would the project substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Less Than Significant Impact. The Circulation Element of the General Plan and Chapter 7, Article 1 of the Municipal Code establishes standards for build out of the transportation network to accommodate land uses of the General Plan. As such, project-specific review of residential development facilitated by the 2009-2014 Housing Element for conformity with applicable regulations and ordinances would ensure impacts related to hazards associated with the introduction of a design feature or incompatible land use are less than significant. No mitigation is required.

f. Would the project result in inadequate emergency access?

Less Than Significant Impact. Review of applications for development is coordinated with the City of Hayward Fire Department to incorporate elements such as fire lanes, hammerhead turnarounds, and other features necessary to ensure adequate emergency access. No mitigation is required.

g. Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The City's General Plan Circulation Element includes many Policies and Strategies that promote alternative transportation modes. The 2009-2014 Housing Element would facilitate implementation of these policies and strategies by encouraging the provision of affordable housing projects that promote the City's goals related to transit-oriented development and jobs/housing balance (see Program 13).

XVII. UTILITIES AND SERVICE SYSTEMS

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. New residential development would increase demand for wastewater treatment in the City. The City's 2002 General Plan Update EIR analyzed impacts from implementation of planned residential development, including residential densities assumed in the 2009-2014 Housing Element, on wastewater treatment facilities. The EIR determined that build out of the General Plan would not require the construction of new wastewater treatment facilities, but it may lead to a need for expansion of existing wastewater collection and treatment facilities. Applicants for specific projects are required to provide on-site service connections and extensions to the wastewater collection system as needed, and would pay sewer connection fees and service fees. Planning, design and construction of new residential projects would be subject to applicable laws and regulations that would address site-specific environmental impacts that cannot be identified at this time. No program-level mitigation is required.

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. New residential development would increase demand for water service and wastewater treatment in the City. The City's 2002 General Plan Update EIR analyzed impacts from implementation of planned residential development, including residential densities assumed in the 2009-2014 Housing Element, on water and wastewater service systems.

Water Facilities

New development routinely pays connection fees and service fees that offset the capital and operations costs of serving development, and individual pipeline or reservoir projects may be undertaken on an “as needed” basis and funded through City Water Service or EBMUD resources. Site specific impacts to the local water system are evaluated at the project-level. Off-site pipeline improvements, may be required to meet fire flow requirements. The location, extent and cost of pipeline improvements would be determined when a project sponsor requests water service to a project site. The environmental impacts would be analyzed at the project-level and mitigated as appropriate when the location and extent of required improvements is known. No program-level mitigation is required.

Wastewater Facilities

See XVII(a). No program-level mitigation is required.

- c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less Than Significant Impact. See IX(c). No additional mitigation is required.

- d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Less Than Significant Impact. Population growth can lead to a larger demand for potable water supply. Development would proceed according to General Plan land uses and residential densities, which are the basis for residential growth that would be facilitated by the proposed project. Water forecasts contained in the City’s 2005 Urban Water Management Plan (UWMP) are based on ABAG projections. ABAG projections are informed by planned land uses identified in the General Plan. The UWMP determined that adequate water supplies exist to serve planned growth in the City through the 2009-2014 housing planning period (see Tables 5-5 and 5-6).

All new residential development is required to comply with applicable State and local laws and regulations governing conservation of water supply resources. For example, plumbing fixtures that reduce water usage (i.e., low volume toilet tanks, flow control devices for faucets and shower heads) are required in accordance with Title 24 of the California Administrative Code; and ultra low flush toilets must be installed in accordance with Health and Safety Code Section 17921.3. The use of drought tolerant plant species, drip irrigation systems, the use of inert materials and minimal use of turf areas also would be considered in order to reduce water usage, as required by Chapter 10, Article 12 of the Municipal Code. No mitigation is required.

- e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?**

Less Than Significant Impact. See XVII(a). No mitigation is required.

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. Solid waste collected in the City is transported to the Altamont landfill site in eastern Alameda County on Greenville Road. Approvals were recently granted to expand the area and capacity of the landfill, and the landfill has adequate capacity through the 2009-2014 housing planning period. No mitigation is required.

The City of Hayward is also mandated by state law (AB 939) to reduce the quantity of solid waste entering the landfill. Future residential development facilitated by the proposed project would be required to comply with all applicable standards and regulations related to solid waste, including local regulations requiring recycling/deconstruction of existing buildings and materials, including Chapter 5, Articles 1 and 10 of the Municipal Code.

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. See XVII(f). No mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. As discussed in IV(a) to (f), the project would not have a significant impact on individual fish or wildlife species or the habitat for such species. The project would not have a significant impact on a plant or animal community or restrict the range of range of a rare or endangered plant or animal. Per V(a) to (d), the project will not eliminate important examples of any major periods of California history or prehistory.

b. Does the project have impacts that are individually limited, but cumulatively considerable?

Not Considerable. The project is a mandatory update of the Housing Element to the General Plan and has been prepared in accordance with State law. Since the project is consistent with the General Plan it is therefore not expected to have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. In addition, the project would encourage and facilitate the provision of medium and high density residential housing in existing urban areas near public transportation, places of employment, and other activity centers – all consistent with regional and State planning and transportation goals. The project's contribution to cumulative impacts is not anticipated to be considerable.

c. Does the project have environmental effects which will cause substantial adverse effect on human beings, either directly or indirectly?

No Impact. This narrative demonstrates that the project will have a less than significant impact with regards to all environmental issues areas with potential to have an adverse effect on humans.

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